IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 6133 of 1997

Between:

Little Flower High School, Godavarikhani, rep. By its Correspondent P. Anandam, S/0 Muthaiah, 4;9 years, Godavarikhani, Karimnagar district.

..... PETITIONER

AND

1. The Regional Transport Officer, Karimnagar.
2. The Motor Vehicle Inspector, Ramagundam, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring that Demand Notice dated 11.12.1996 and Distraint order dated 27.12.1997 passed by the first respondent is highly arbitrary and illegal.

Counsel for the Petitioner:MR.P.PRABHAKAR REDDY

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following:

ORDER: (per the Hon'ble Sri Justice Bilal Nazki. J)

For violation of conditions of permit, the petitioner has been charged with tax on a rate different than his permit. It was stated that during the inspection, the vehicle was found plying as a contract carriage, although the petitioner had a school bus permit. Therefore the petitioner was asked to pay the difference of tax.

It is submitted that the matter is covered by the Judgment of the Larger Bench of this Court in *L. Royal Reddy and others v. Government of A.P.*, wherein it has been held that on violation of a condition of permit, the violator cannot be charged with tax on a rate different than his permit, but, may be proceeded against under the Motor Vehicles Act, 1988, for violation of the conditions of the permit.

Following the said Judgment, we set aside the impugned order and allow the writ petition. However, the respondents shall have the liberty to proceed against the petitioner for violation of the conditions of permit, if they so desire.

(BILAL NAZKI. J)

---------- (S. ANANDA REDDY. J)

Date: 26.10.2004

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To

1. The Regional Transport Officer, Karimnagar.
2. The Motor Vehicle Inspector, Ramagundam.
3. The G.P. for Transport, High Court of A.P.(OUT)
4. Two CD copies.